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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 13 April 2018 from the Permanent Mission of Czechia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Czech Republic to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and, pursuant to paragraph 17 of Security Council resolution 2397 (2017), has the honour to inform the Committee about the concrete measures taken by the Government of the Czech Republic to ensure the effective implementation of the relevant provisions of resolution 2397 (2017) (see annex).

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Annex to the note verbale dated 13 April 2018 from the Permanent Mission of Czechia to the United Nations addressed to the Chair of the Committee

Report of Czechia on the implementation of Security Council resolution 2397 (2017)

The Czech Republic, as a State member of the European Union, implements the provisions of Security Council resolutions that fall within the scope of the competence of the European Union via decisions and regulations of the European Union. The Czech Republic has been taking part in the preparation of European Union legal instruments implementing the provisions of the relevant paragraphs of Security Council resolution 2397 (2017), with the aim of adopting them without delay, as it did on previous occasions for resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2356 (2017), 2371 (2017) and 2375 (2017).

The Czech Republic and the other European Union member States have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed by the Security Council in its resolution 2397 (2017) by adopting the following common measures:

- Council Regulation (EU) 2017/1509 of 30 August 2017 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Regulation (EC) No. 329/2007, which provides for the implementation of the above-mentioned measures falling within the scope of the Treaty on the Functioning of the European Union
- Council Decision (CFSP) 2016/849 of 27 May 2016 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2013/183/CFSP
- Council Implementing Decision (CFSP) 2018/16 of 8 January 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Implementing Regulation (EU) 2018/12 of 8 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Implementing Decision (CFSP) 2018/58 of 12 January 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Implementing Regulation (EU) 2018/53 of 12 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Decision (CFSP) 2018/89 of 22 January 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Implementing Regulation (EU) 2018/87 of 22 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Decision (CFSP) 2018/293 of 26 February 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea

- Council Regulation (EU) 2018/285 of 26 February 2018 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Implementing Regulation (EU) 2018/286 of 26 February 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Implementing Decision (CFSP) 2018/331 of 5 March 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea
- Council Implementing Regulation (EU) 2018/324 of 5 March 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea

Council regulations have a direct binding effect on all persons and entities, without the requirement that they be incorporated into national legislation, unless stipulated otherwise; therefore, once the above-mentioned instruments have been adopted, they are directly applicable within Czech legislation without any need of transposition.

The European Union also reinforces the United Nations sanctions regime by adopting autonomous restrictive measures, including stricter rules for restrictions on the transfer of funds and financial services, complementing and reinforcing the Security Council resolutions.

At the national level, Act No. 69/2006 Coll., on the carrying out of international sanctions, serves as a legal basis for the implementation of international sanctions. The Act adjusts, in relation to the directly applicable European Union legislation, selected obligations of natural and legal persons while implementing international sanctions for the purpose of maintaining or restoring international peace and security, protecting fundamental human rights and fighting terrorism. The Act also adjusts selected obligations of natural and legal persons while implementing international sanctions for the purpose of maintaining or restoring international peace and security, protecting fundamental human rights and fighting terrorism to which the Czech Republic is bound owing to its membership in the United Nations.

In the Czech Republic, the competent national authority responsible for the coordination of carrying out international sanctions imposed for the purpose of maintaining or restoring international peace and security, protecting fundamental human rights and fighting terrorism is the Financial Analytical Unit. Its authority is governed by Act No. 69/2006 Coll., on the carrying out of international sanctions, and Act No. 70/2006 Coll., amending selected acts in relation to the adoption of the Act on the carrying out of international sanctions. The Unit is responsible for coordinating the implementation of restrictive measures at the national level. Depending on the type of restrictive measures, other ministries and government agencies are involved in their field of competence.

The Czech Republic, as a member of all relevant control regimes, already has in place all the tools necessary to implement the above-mentioned resolution and subsequent European Union legal instruments on the export of sensitive goods and technology that could contribute to programmes of the Democratic People's Republic of Korea related to nuclear and other weapons of mass destruction or related to ballistic missiles. The Ministry of Industry and Trade grants licences for all imports and exports of military material. The decision to issue such licences is based on binding recommendations made by the Ministries of Foreign Affairs, the Interior and Defence.

With regard to financial sanctions, the Financial Analytical Unit issues directives that ensure the immediate and full implementation of financial sanctions (freezing measures) targeted at designated persons, entities and bodies that have been adopted by the Security Council in the period before the European Union adopts its own follow-up measures.

The consequences for breach of sanctions are fines of up to CZK 5 million. Breaches committed by an individual, a legal entity or an entrepreneur can result in the forfeiture of property or a fine of up to CZK 50 million if the profit gained or damage caused exceeded CZK 5 million. In some cases, a breach of sanctions amounts to a criminal offence. If the Ministry of Finance reasonably suspects that a criminal offence has been committed, it should provide the police with the necessary evidence.

As regards restrictions on travel (visa ban), a list of designated persons set by the above-mentioned European Union regulations is directly applicable and provides a basis for the refusal of admission and the denial of applications for a visa to enter the territory of the Czech Republic.